

Protection Order Committee
Judicial Conference of Indiana

Minutes
April 28, 2006

The Protection Order Committee met at the Indiana Judicial Center on Friday, April 28, 2006, from 12:00 noon – 3:30 P.M.

1. Members present. John W. Forcum, J. Douglas Knight, Robert E. Lybrook and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Guests present. Kerry Hyatt Blomquist, Legal Counsel, Indiana Coalition Against Domestic Violence, Victoria Deak, Project Director, Indiana Legal Services, Inc., Kelly S. Dignon, Indiana State Police;
4. Minutes. The minutes for March 24, 2006 were distributed.
5. Full Faith and Credit.
 - a. Jeffrey Bercovitz distributed recent amendments to the federal Full Faith and Credit Act, which is within the Violence Against Women Act.
 - b. Judge Forcum agreed to draft a paragraph for the Protection Order Deskbook explaining these changes.
 - c. Committee members agreed to prepare a letter to Lilia Judson and Mary DePrez for JTAC, and Justice Dickson for Administrative Rule 9, alerting them of the new prohibition of placing identifying information about protection orders on the Internet under the Full Faith and Credit Act.
6. Apriss victim notification service. Jeffrey Bercovitz distributed a letter to members of the committee from Apriss victim notification service about notification of victims of inmates leaving DOC and of service of protection orders in some counties in Kentucky.
7. Presentation by Victoria Deak.
 - a. Victoria Deak, Indiana Legal Services, showed the sequence of questions permitting pro se litigants to complete Protection Order forms to committee members. Members of the committee agreed the confidential form could be printed on white paper. Committee members have no plans to update the confidential form to ask for cell numbers, but said they write in cell numbers when applicable.
 - b. Victoria Deak distributed a confidential proposal to Legal Services for funding to develop a comprehensive Internet site in Spanish for their forms, including protection orders. Committee members discussed portions of the protection order petition and other forms, which must be completed in English to permit courts to read them. It was agreed

to circulate her grant request to committee members to get a sense of the committee whether or not to support it.

8. Presentation by Kelly S. Dignon.

a. Kelly Dignon, Indiana State Police distributed a proposed best practice guide for validation of protection orders for law enforcement agencies. She also distributed a list of caution indicators to be used with protection orders.

b. Members of the committee discussed the best practice guide for validation of protection orders. They agreed it should contain the applicable Indiana statutes that require the validation. They discussed how much the courts should be involved since the sheriff or local law enforcement was required by law to keep a protection order depository and all protection orders were transmitted by the clerk to the depository. They discussed sampling Indiana jurisdictions that participate in good validation procedures for examples of best practices. Kelly Dignon said Lake and Tippecanoe counties were doing well and 20 to 25 counties were problematic in this area. Committee members agreed to look at this issue further.

c. Kelly Dignon explained the list of caution indicators was used for wanted persons, missing persons and other areas. Law enforcement officers generally used them after an interview. Members of the committee agreed police agencies need to gather this information for use with protection orders.

9. Presentation by Kerry Blomquist.

a. Kerry Blomquist reported a southern Indiana county was charging a \$3.00 fee for protection orders. She already agreed to send the statute to the Clerk, which prohibits this practice.

b. She discussed judges deleting the firearms provisions from Indiana's warnings required by statute to be in every protection order. Committee members showed her new Protection Order Deskbook language encouraging courts to use the protection order forms on the website unaltered.

c. Committee members reported to her the Petition for Renewal form will be removed from the website since there is no longer a statute permitting renewal or extension of a protection order.

d. She discussed with courts looking at their own computer system before granting or denying protection orders.

10. Other.

a. Committee members discussed committee topics for examination after July 1 including work with the Indiana State Police, education of law enforcement about the entry of protection orders and other areas.

b. Members of the committee agreed to recommend an update session on protection orders at the September meeting of the Judicial Conference. The session would include discussion of best practices, validation of protection orders by law enforcement, Full Faith and Credit amendments, one depository for the entry of all protection orders, renewal of protection orders, and other topics.

- c. Committee members agreed to review a short-form protection order for discussion at the next meeting, and to review forms and deskbook for the website at the next meeting.
11. Future meeting dates. Committee members agreed to meet again on: Friday, June 30, 2006, the fifth Friday of the month; and again on July 28, 2006 from 12:00 Noon – 3:30 p.m. and August 25, 2006 from 12:00 Noon – 3:30 p.m. All meetings will be on Friday and all will be held at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
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